



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2803

DATE SCANNED 1/16/15

SCANNER NO. 2

SCAN OPERATOR EEJ



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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2014 JUN 16 AM 10:38

June 13, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PO/nur*
Chief Compliance Officer

Debbie Chacona *DC/nur*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Sari Pickerall *SK*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2014 April Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2014 April Quarterly Report in accordance with 2 U.S.C. 434(a). The 2014 April Quarterly Report was due on April 15, 2014.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2014 APRIL QUARTERLY Not Election Sensitive 04/15/2014 H_S_P_UNAUTH

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|--|---------------------------|----------------------------|-----------|----|--------------|-----------|-----------------|-------------|
| 2791 | C00365965 | AMERICAN ACADEMY OF PEDIATRIC DENTISTRY POLITICAL ACTION COMMITTEE | | DR. JOHN S. RUTKAUSKAS | \$211,767 | 0 | 4/22/2014 | 7 | \$31,700 | \$340 |
| 2792 | C00551002 | ART GARDNER 2014 | GARDNER, ARTHUR AUGUSTINE | JOHN W. GREENWALD | \$138,983 | 0 | 4/23/2014 | 8 | \$43,335 | \$360 |
| 2794 | C00552380 | CASSIE FELDER CAMPAIGN LLC | FELDER, CASSIE ERIN | KRISTIN KOENIG | \$128,643 | 0 | 4/30/2014 | 15 | \$99,781 | \$2,090 |
| 2795 | C00295964 | DC DEMOCRATIC STATE COMMITTEE | | WILLIAM O'FIELD | \$128,594 | 0 | 5/19/2014 | Not Filed | \$32,572 | \$1,090 |
| 2796 | C00468314 | DEMOCRACY ENGINE, INC., PAC | | JONATHAN ZUCKER | \$690,617 | 0 | | Not Filed | \$345,309 (est) | \$9,800 |
| 2798 | C00224790 | GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE | | J. CHARLES GRAY | \$160,695 | 0 | 5/7/2014 | 22 | \$13,250 | \$220 |
| 2799 | C00547232 | JOE PALUMBO FOR CONGRESS | PALUMBO, JOSEPH E | KEITH BUCKHOUT | \$182,849 | 0 | | Not Filed | \$182,849 (est) | \$6,050 |
| 2800 | C00544056 | MCCASKILL SENATE FUND | MCCASKILL, CLAIRE | MICHELLE SHEROD | \$152,342 | 0 | 5/3/2014 | 18 | \$2,548 | \$117 |
| 2801 | C00509489 | PATRIOT SUPER PAC | | THOMAS FREILING | \$108,597 | 0 | 5/15/2014 | 30 | \$11,617 | \$260 |
| 2802 | C00192849 | PLUMBERS AND PIPEFITTERS LOCAL UNION 74 | | MARK R. PERMAR | \$139,426 | 1 | 5/29/2014 | Not Filed | \$21,136 | \$687 |
| 2803 | C00078196 | RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE | | MICHAEL W. GROSSI | \$180,762 | 0 | 4/28/2014 | 13 | \$50,484 | \$1,532 |
| 2804 | C00518027 | STEVE SALAZAR FOR CONGRESS | SALAZAR, STEVE | ROSARIO RODRIGUEZ | \$110,712 | 4 | | Not Filed | \$110,712 (est) | \$9,900 |
| 2805 | C00550830 | TEXANS FOR STOVALL | STOVALL, DWAYNE BRADLEY | KATHERINE BRACKEEN STOVALL | \$172,334 | 0 | 4/25/2014 | 10 | \$58,841 | \$1,255 |
| 2806 | C00361949 | TRIUMPH GROUP INC PAC | | CLAY CRAWFORD | \$285,599 | 1 | 5/5/2014 | 20 | \$44,338 | \$750 |

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|-----|--------------|----------------|----------------|-----------|-----------|----|--------------|-----------|-------------------|-------------|
| | | | | | | | | | 6/13/2014 3:24 PM | |

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|-----|--------------|----------------|----------------|-----------|-----------|----|--------------|-----------|-------------------|-------------|
| | | | | | | | | | 6/13/2014 3:24 PM | |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2014)
April Quarterly Report for the)
Administrative Fine Program:)
AMERICAN ACADEMY OF PEDIATRIC) AF# 2791
DENTISTRY POLITICAL ACTION)
COMMITTEE, and DR JOHN S)
RUTKAUSKAS as treasurer;)
ART GARDNER 2014, and JOHN W) AF# 2792
GREENWALD as treasurer;)

CASSIE FELDER CAMPAIGN LLC, and) AF# 2794
KRISTIN KOENIG as treasurer;)
DC DEMOCRATIC STATE) AF# 2795
COMMITTEE, and O'FIELD, WILLIAM)
as treasurer;)
DEMOCRACY ENGINE, INC., PAC, and) AF# 2796
ZUCKER, JONATHAN as treasurer;)

GRAYROBINSON, P.A., POLITICAL) AF# 2798
ACTION COMMITTEE, and GRAY, J.)
CHARLES as treasurer;)
JOE PALUMBO FOR CONGRESS, and) AF# 2799
KEITH BUCKHOUT as treasurer;)
MCCASKILL SENATE FUND, and) AF# 2800
MICHELLE SHEROD as treasurer;)
PATRIOT SUPER PAC, and FREILING,) AF# 2801
THOMAS as treasurer;)
PLUMBERS AND PIPEFITTERS LOCAL) AF# 2802
UNION 74, and MR MARK R PERMAR as)
treasurer;)
RHODE ISLAND REPUBLICAN STATE) AF# 2803
CENTRAL COMMITTEE, and GROSSI,)
MICHAEL W as treasurer;)

STEVE SALAZAR FOR CONGRESS, and) AF# 2804
ROSARIO RODRIGUEZ as treasurer;)
TEXANS FOR STOVALL, and) AF# 2805
KATHERINE BRACKEEN STOVALL as)
treasurer;)
TRIUMPH GROUP INC PAC, and) AF# 2806
CRAWFORD, CLAY MR as treasurer;)

UNITED FRESH PRODUCE) AF# 2808
ASSOCIATION FRESH POLITICAL)
ACTION COMMITTEE (FRESH PAC),)
and ROBERT GUENTHER as treasurer;)

CERTIFICATION

I, Shelley E. Garr, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 17, 2014 the Commission took the following actions on the Reason To Believe Recommendation - 2014 April Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 13, 2014, on the following committees:

AF#2791 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN ACADEMY OF PEDIATRIC DENTISTRY POLITICAL ACTION COMMITTEE, and DR JOHN S RUTKAUSKAS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2792 Decided by a vote of 6-0 to: (1) find reason to believe that ART GARDNER 2014, and JOHN W GREENWALD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2794 Decided by a vote of 6-0 to: (1) find reason to believe that CASSIE FELDER CAMPAIGN LLC, and KRISTIN KOENIG as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2795 Decided by a vote of 6-0 to: (1) find reason to believe that DC DEMOCRATIC STATE COMMITTEE, and O'FIELD, WILLIAM as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2796 Decided by a vote of 6-0 to: (1) find reason to believe that DEMOCRACY ENGINE, INC., PAC, and ZUCKER, JONATHAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2798 Decided by a vote of 6-0 to: (1) find reason to believe that GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE, and GRAY, J. CHARLES as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2799 Decided by a vote of 6-0 to: (1) find reason to believe that JOE PALUMBO FOR CONGRESS, and KEITH BUCKHOUT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2800 Decided by a vote of 6-0 to: (1) find reason to believe that MCCASKILL SENATE FUND, and MICHELLE SHEROD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2801 Decided by a vote of 6-0 to: (1) find reason to believe that PATRIOT SUPER PAC, and FREILING, THOMAS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2802 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS AND PIPEFITTERS LOCAL UNION 74, and MR MARK R PERMAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2803 Decided by a vote of 6-0 to: (1) find reason to believe that RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE, and GROSSI, MICHAEL W as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2804 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE SALAZAR FOR CONGRESS, and ROSARIO RODRIGUEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2805 Decided by a vote of 6-0 to: (1) find reason to believe that TEXANS FOR STOVALL, and KATHERINE BRACKEEN STOVALL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2806 Decided by a vote of 6-0 to: (1) find reason to believe that TRIUMPH GROUP INC PAC, and CRAWFORD, CLAY MR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2808 Decided by a vote of 6-0 to: (1) find reason to believe that UNITED FRESH PRODUCE ASSOCIATION FRESH POLITICAL ACTION COMMITTEE (FRESH PAC), and ROBERT GUENTHER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 17, 2014
Date

Shelley E. Garr
Shelley E. Garr
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 2014

Michael W. Grossi, in official capacity as Treasurer
Rhode Island Republican State Central Committee
1800 Post Road, Suite 17-1
Warwick, RI 02886

C00078196
AF#: 2803

Dear Mr. Grossi:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period January 1, 2014 through March 31, 2014, shall be filed no later than April 15, 2014. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on April 28, 2014, thirteen (13) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On June 17, 2014, the FEC found that there is reason to believe ("RTB") that Rhode Island Republican State Central Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before April 15, 2014. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$1,532. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$1,532 is due within forty (40) days of the finding, or by July 27, 2014, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$50,484
Number of Days Late: 13
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or July 27, 2014. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Rhode Island Republican State Central Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

If you make a payment in an amount less than the calculated civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Lee E. Goodman
Chairman

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$1,532 for the 2014 April Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by July 27, 2014. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Rhode Island Republican State Central Committee

FEC ID#: C00078196

AF#: 2803

PAYMENT DUE DATE: July 27, 2014

PAYMENT AMOUNT DUE: \$1,532

FEC OFFICE OF ADMIN REVIEW

2014 JUL 29 AM 9: 27

FABISCH LAW, L.L.C.

Probate • Estates Planning • Appeals

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July 26, 2014

Federal Election Commission
Office of Administrative Review
999 E Street,
NW, Washington DC 20463

Michael W. Grossi, in his official capacity as Treasurer
Rhode Island Republican State Central Committee
1800 Post Road, Suite 17-I
Warwick, RI 02886

Re: C00078196
AF#: 2803

Introduction

This response is intended as a challenge to a reason to believe "RTB" determination by the Federal Election Commission ("FEC" or "Commission") that the respondent committee and treasurer ("Respondents") filed the report for reporting period January 1, 2014 through March 31, 2014 (the "Q1 Filing") on April 28, 2014, thirteen (13) days late pursuant to 2 U.S.C. § 434(a). Because the Commission relied upon a factual error in reaching its RTB determination and because the Committee's treasurer, Mr. Grossi utilized his best efforts to timely file the report, the Respondents respectfully request that the RTB finding be rejected by the commission and that no fine be assessed.

Facts

The facts that are pertinent to this challenge are as follows:

- On 4/14/2014, Mr. Grossi, uploaded the report into the FECFILE software, pressed the file button, and believed that the report had filed as of approximately 2:50 pm on that same day.
- On or about April, 28 2014, in the course of his duties as Treasurer of the Committee, Mr. Grossi accessed the FEC's website and again accessed the FECFILE software at which time he learned that the Commission did not appear to have an active record of the receipt of the Q1 Filing.
- Upon learning that the Commission did not appear to have a record of receipt of the Q1 Filing, Mr. Grossi again attempted to file the Q1 Report through FECFILE, which filing was successful.

Law

Under FEC regulations governing the administrative fine program, the FEC will consider challenges to a Reason to Believe ("RTB") finding based upon either a factual error in the RTB finding . . . or a demonstrated use of best efforts to file in a timely manner. See 11 CFR § 111.35(b). The "best efforts" statute, 2 U.S.C. § 432(i), was described by its congressional sponsor as the "anti-nit-picking amendment." See Republican Nat'l Comm. v.

Fed. Election Comm., 76 F.3d 400, 405 (D.C. Cir. 1996) (quoting statement of Sen. Packwood, 122 Cong. Rec. 7922-23 (1976)). It provides:

"When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of Title 26." 2 U.S.C.A. § 432(i) (West 1997) (emphasis added).

In 1979, Congress amended the best efforts statute along with other parts of FECA. Among other changes, the "best efforts" provision was made applicable to the entirety of FECA, rather than merely to one subsection (which in 1976 was titled "Contents of reports"). The legislative history of these changes notes:

(i) Best Efforts. The best efforts test is specifically made applicable to recordkeeping and reporting requirements in both Title 2 and Title 26. The test of whether a committee has complied with the statutory requirements is whether its treasurer has exercised his or her best efforts to obtain, maintain, and submit the information required by the Act. If the treasurer has exercised his or her best efforts, the committee is in compliance. Accordingly, the application of the best efforts test is central to the enforcement of the recordkeeping and reporting provisions of the Act. It is the opinion of the Committee that the Commission has not adequately incorporated the best efforts test into its administration procedures, such as the systematic review of reports.

H.R. Rep. No. 96-422, at 14 (1979) (emphasis added).

Notwithstanding the statutory language, the regulations require that, to establish a "best efforts" defense, respondents must

show that they were "prevented from filing in a timely manner by reasonably unforeseen circumstances that were beyond the control of the respondent" and that "respondent filed no later than 24 hours after the end of these circumstances." 11 C.F.R. § 111.35(b)(3). The regulation lists circumstances that are considered "reasonably unforeseen and beyond the control of respondent," including certain widespread Internet disruptions and disaster related incidents. 11 C.F.R. § 111.35(c). Admittedly, the regulation states that situations that do not qualify include "[n]egligence" and "[i]llness, inexperience, or unavailability of the treasurer or other staff." 11 C.F.R. § 111.35(d).

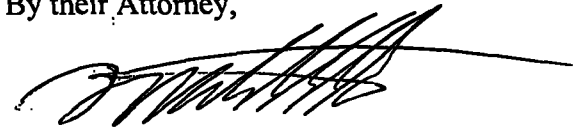
Argument

In the matter before the Commission, the Respondents assert two of the defenses - factual error and best efforts - authorized by 11 C.F.R. § 111.35(b). With respect to the factual error defense, the Respondents assert that the FEC should have some record or otherwise be in receipt of the initial April 14, 2014 filing such that any fine is inappropriate ab initio. However, even if the Commission does not have any record of the filing, the Respondents assert that the sworn to facts recited in this communication clearly satisfy the elements of the best efforts defense. Certainly, the failure of the commission provided

software, FECFILE, satisfies the 11 C.F.R. § 111.35(c) requirement of being "reasonably unforeseen and beyond the control of respondent[.]" Moreover, while it is true that the respondents did not attempt to contact Commission staff or file a second time until April 28, 2014, Mr. Grossi's declaration that he acted the same day he learned that the commission had no record of the Q1 filing certainly falls within the statutory language and intent of the best interests defense as well as the regulatory requirement that "respondent filed no later than 24 hours after the end of these circumstances." 11 C.F.R. § 111.35(b)(3). Accordingly, because the commission's RTB determination was made without the full factual background, and because, in any event, the delay in filing is protected by the respondents' best efforts to timely file, the Respondents request that the Commission not assess fines for the Q1 filing.

Respondents,

By their Attorney,



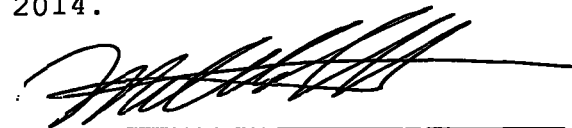
Matthew L. Fabisch # 8017
Fabisch Law, L.L.C.
664 Pearl St.
Brockton, MA 02301
401-324-9344
401-354-7883 (fax)
fabisch@fabischlaw.com

Verification

I, Michael W. Grossi, on oath hereby depose, affirm and declare, under the pains and penalties of perjury, that the above recited facts and true and accurate to the best of my knowledge.


Michael W. Grossi

Subscribed and sworn to before me on this 26th day of July, 2014.


Notary Public

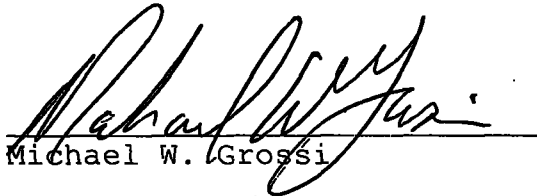
My Commission Expires: 8/20/2014

Federal Election Commission
Office of Administrative Review
999 E Street,
NW, Washington DC 20463

Re: C00078196
AF#: 2803

Appointment of Attorney

Now comes Michael W. Grossi, in his official capacity as treasurer of the Rhode Island Republican State Central Committee and hereby appoints Matthew L. Fabisch, Esq. of Fabisch Law, L.L.C., 664 Pearl St. Brockton MA 02301 as my attorney in the above referenced matter.


Michael W. Grossi

Michael W. Grossi, in his official capacity as Treasurer
Rhode Island Republican State Central Committee
1800 Post Road, Suite 17-I
Warwick, RI 02886



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 30, 2014

Matthew L. Fabisch
Fabisch Law, L.L.C.
P.O. Box 17213
Esmond, RI 02917

Rhode Island Republican State Central Committee
C00078196
AF#: 2803

Dear Mr. Fabisch,

On July 28, 2014, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Rhode Island Republican State Central Committee and Michael W. Grossi, in his official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

Sincerely,

A handwritten signature in black ink that reads "Rhiannon Magruder". The signature is fluid and cursive.

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

Date: July 30, 2014

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2803

Committee Name: Rhode Island Republican State Central Committee

Committee ID#: C00078196

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

- **Copy of RTB Circulation Report, dated June 13, 2014 and RTB Certification, dated June 17, 2014 (Y/N): Y**
- **Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**
-
- **Other Relevant Telecoms (Y/N): N**
- **Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**
- **RAD Staff Declaration (Y/N): Y**
 - 2014 April Quarterly Report Notice, dated March 21, 2014.
 - RTB Letter, dated June 18, 2014.
- **Other RAD Information: (Y/N): N**



Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z WF5 860 A2 9473 100 8
Reference Number(s): RAD, RTB - 2803
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 06/17/2014
Delivered On: 06/19/2014 12:52 P.M.
Delivered To: 1800 POST RD
 WARWICK, RI, US 02886

Signed By: VARGAS

~~UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS UPS~~

Location: RECEIVER

Thank you for giving us this opportunity to serve you.

**Sincerely,
UPS**

Tracking results provided by UPS: 06/20/2014 12:01 P.M. ET

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Rhode Island Republican State Central Committee:
 - A) Report Notice, dated March 21, 2014, referencing the 2014 April Quarterly Report (sent via electronic mail to: finance@rigop.org);
 - B) Reason-to-Believe Letter, dated June 18, 2014 referencing the 2014 April Quarterly Report (sent via overnight mail to the address of record).
3. I hereby certify that I have searched the Commission's public records and find that Rhode Island Republican State Central Committee filed the 2014 April Quarterly Report with the Commission on April 28, 2014.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 30th day of July, 2014.

Kristin D. Roser

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

APRIL QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

**CONGRESSIONAL COMMITTEES
PARTIES AND PACS**

March 21, 2014

CURRENT REPORT DUE

| REPORT | CLOSE OF BOOKS <u>1</u> | REG./CERT. & OVERNIGHT MAILING DEADLINE | FILING DEADLINE |
|-----------------|----------------------------|--|--------------------|
| April Quarterly | 03/31/14 | 04/15/14 | 04/15/14 |

PRE- AND POST-ELECTION REPORTS

Congressional Committees

The principal campaign committee of any candidate participating in a 2014 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The principal campaign committee of a candidate participating in the general election must file pre- and post-general election reports. Separate notices will be sent to explain these additional reporting obligations. See 11 CFR 104.5(a)(2).

Parties and PACs

Committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2014 Congressional Pre-Primary Reporting Dates
- *The Record*:
 - FEC Record Blog: Reporting
 - January 2014 Reporting Article [PDF]

SUPPLEMENTAL FILING INFORMATION

- Congressional Committees
- Parties and PACs

REPORTING SCHEDULE FOR REMAINDER OF 2014

| REPORT | CLOSE OF BOOKS <u>1</u> | REG./CERT. & OVERNIGHT MAILING DEADLINE | FILING DEADLINE |
|----------------------|-------------------------|---|-------------------|
| July Quarterly | 06/30/14 | 07/15/14 | 07/15/14 |
| October Quarterly | 09/30/14 | 10/15/14 | 10/15/14 |
| Pre-General <u>2</u> | 10/15/14 | 10/20/14 | 10/23/14 |
| Post-General | 11/24/14 | 12/04/14 | 12/04/14 |
| Year-End | 12/31/14 | 01/31/15 | 01/31/15 <u>3</u> |

SUPPLEMENTAL FILING INFORMATION

- Congressional Committees
- Parties and PACs

FOOTNOTES:

1 These dates indicate the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

*2 **Parties and PACs:** required only if committee makes contributions or expenditures in connection with the general election during the reporting period. See 11 CFR 104.5(c)(1)(ii).*

***Congressional Committees:** the principal campaign committee of a candidate who participates in the general election must file pre-and post-general election reports. See 11 CFR 104.5(a)(2).*

3 Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's Public Records Office) close of business on the last business day before the deadline. See also Supplemental Filing Information [Congressional Committees] [Parties and PACs].

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

Return to 2014 Reporting Schedule

Other Filing Information:

- Electioneering Communications Periods
- 48- and 24-Hour Reports of Independent Expenditures Periods
- Coordinated Communications Periods
- Federal Election Activity Periods

(top of page)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

September 10, 2014

Matthew L. Fabisch
Fabisch Law, L.L.C.
P.O. Box 17213
Esmond, RI 02917

Rhode Island Republican State Central Committee
C00078196
AF#: 2803

Dear Mr. Fabisch,

On June 17, 2014, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Rhode Island Republican State Central Committee and Michael W. Grossi, in his official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a))¹ for failing to file the 2014 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$1,532 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by the respondents and Commission staff, the Reviewing Officer has recommended that the Commission take no further action and close the file. A copy of the Reviewing Officer Recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written responses or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in these matters.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended ("the Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

Sincerely,

Rhianon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

Introduction



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SEP 10 2014
2:33 PM

September 10, 2014

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *for PCO*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: AF# 2803 – Rhode Island Republican State Central Committee and Michael W. Grossi, in his official capacity as Treasurer (C00078196)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 10, 2014

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2803 – Rhode Island Republican State Central Committee and Michael W. Grossi, in his official capacity as Treasurer (C00078196)

Summary of Recommendation

Take no further action that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a))¹ and close the file.

Reason-to-Believe Background

The 2014 April Quarterly Report was due on April 15, 2014. The respondents filed the report on April 28, 2014, 13 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On June 17, 2014, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to timely file the 2014 April Quarterly Report and made a preliminary determination that the civil money penalty was \$1,532 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on June 18, 2014 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a report for the period ending March 31 no later than April 15. 52 U.S.C. § 30104(a)(4)(A)(i) (formerly 2 U.S.C. § 434(a)(4)(A)(i)) and 11 C.F.R. § 104.5(c)(1)(i). Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on April 15 for the April Quarterly Report to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(c). The treasurer shall be personally responsible for the timely and complete filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On July 28, 2014, the Commission received the sworn-to response ("challenge") from the Committee's Counsel, stating the "Commission relied upon a factual error in reaching its RTB determination and...the Committee's Treasurer, [Mr. Michael W. Grossi], utilized his best efforts to timely file the report..."

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended ("the Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

The challenge presented the following facts:

- "On 4/14/2014, Mr. Grossi, uploaded the report into the FECFILE software, pressed the file button, and believed that the report had filed as of approximately 2:50 pm on that same day.
- On or about April, 28 2014, in the course of his duties as Treasurer of the Committee, Mr. Grossi accessed the FEC's website and again accessed the FECFILE software at which time he learned that the Commission did not appear to have an active record of the receipt of the [April Quarterly Report].
- Upon learning that the Commission did not appear to have a record of receipt of the [April Quarterly Report], Mr. Grossi again attempted to file the [April Quarterly] Report through FECFILE, which filing was successful."

Counsel then presents their argument, which states:

"In the matter before the Commission, the Respondents assert two of the defenses - factual error and best efforts - authorized by 11 C.F.R. § 111.35(b). With respect to the factual error defense, the Respondents assert that the FEC should have some record or otherwise be in receipt of the initial April 14, 2014 filing such that any fine is inappropriate ab initio. However, even if the Commission does not have any record of the filing, the Respondents assert that the sworn to facts recited in this communication clearly satisfy the elements of the best efforts defense. Certainly, the failure of the [C]ommission provided software, FECFILE, satisfies the 11 C.F.R. § 111.35(c) requirement of being 'reasonably unforeseen and beyond the control of respondent[.]' Moreover, while it is true that the respondents did not attempt to contact Commission staff or file a second time until April 28, 2014, Mr. Grossi's declaration that he acted the same day he learned that the [C]ommission had no record of the [April Quarterly Report] certainly falls within the statutory language and intent of the best interests defense as well as the regulatory requirement that 'respondent filed no later than 24 hours after the end of these circumstances.' 11 C.F.R. § 111.35(b)(3). Accordingly, because the [C]ommission's RTB determination was made without the full factual background, and because, in any event, the delay in filing is protected by the respondents' best efforts to timely file, the Respondents request that the Commission not assess fines for the [April Quarterly Report]."

Analysis

The challenge contends that the Committee's Treasurer, Mr. Grossi, believed he successfully uploaded the 2014 April Quarterly Report on April 14, 2014, the day before the filing deadline. According to the Manager of the Systems Analysis and Design Branch in the Commission's Information Technology Division, the Commission has no record of the Committee attempting to file the April Quarterly Report on or around this date. In addition, the Commission's Electronic Filing Office (EFO) found no evidence of any problem with FECFile

that would have prevented the Committee from filing the 2014 April Quarterly Report on April 14, 2014.

The respondents further state that on or about April 28, 2014, the Treasurer learned the report he attempted to upload on April 14, 2014 was not received by the Commission, and he again attempted to file the report. Commission records confirm that the 2014 April Quarterly Report was successfully filed that same day, 13 days late.

In this failure-to-file scenario, a committee is typically aware that its attempt to file a report was unsuccessful by the day following the deadline. According to the ITD Manager, in its normal course of business, EFO sends a courtesy email notification upon the Commission's receipt of an electronic filing. If a committee does not receive a receipt confirmation email, it should be alarmed and prompted to investigate the status of the filing. In addition, EFO sends a courtesy email notification to electronic filers that may have failed to timely file a report. This email notification is sent the day following a filing deadline.

However, EFO is unable to provide details of receipt confirmation emails for the respondents' prior electronic filings. Therefore, one cannot reasonably presume the Committee should have expected to receive such notification after their original upload attempt. In addition, EFO failed to send the respondents the courtesy email notifying them of their failure to timely file the 2014 April Quarterly Report. Had the email been sent to the respondents, the Committee would have been notified of the missing report on April 16, 2014.

Their challenge fails to adequately address any of the three valid grounds at 11 C.F.R. § 111.35(b). However, the Reviewing Officer recognizes the Committee may have been able to timely file the report if it was treated according to the Commission's normal course of business. Therefore, the Reviewing Officer recommends that the Commission take no further action and close the file.

OAR Recommendations

- (1) Take no further action in AF# 2803 that Rhode Island Republican State Central Committee and Michael W. Grossi, in his official capacity as Treasurer violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and close the file; and
- (2) Send the appropriate letter.

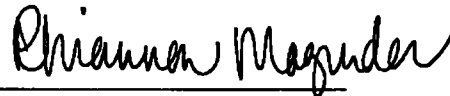
Reviewing Officer: Rhiannon Magruder

Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 –
- Attachment 3 – Declaration from RAD
- Attachment 4 – Declaration from OAR

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A committee not authorized by a candidate shall file, in an election year, a report for the period ending March 31 no later than April 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on April 14 for the April Quarterly Report to be timely filed.
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Report Cover Page, Summary Page, and Detailed Summary Pages for the 2014 April Quarterly Report filed by Rhode Island Republican State Central Committee and Michael W. Grossi, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from January 1 through March 31, 2014, and was received on April 28, 2014.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 10th day of September, 2014.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

Image# 14941170180

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE

ADDRESS (number and street) 1800 POST ROAD

Check if different
than previously
reported. (ACC)

SUITE 17-I

WARWICK

RI

02886

2. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲

C C00078196

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

4. TYPE OF REPORT
(Choose One)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

(a) Quarterly Reports:

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

X April 15
Quarterly Report (Q1)July 15
Quarterly Report (Q2)October 15
Quarterly Report (Q3)January 31
Year-End Report (YE)July 31 Mid-Year
Report (Non-election
Year Only) (MY)Termination Report
(TER)(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

Convention (12C)

General (12G)

Special (12S)

Runoff (12R)

(d) 30-Day
POST-Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

Election on

in the
State of

5. Covering Period 01 01 2014 through 03 31 2014

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Michael Grossi

Signature of Treasurer Michael Grossi

[Electronically Filed]

Date 04 28 2014

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only**FEC FORM 3X**
Rev. 12/2004

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE

Report Covering the Period: From: 01 01 2014 To: 03 31 2014

| | COLUMN A This Period | COLUMN B Calendar Year-to-Date |
|--|-------------------------|-----------------------------------|
| 6. (a) Cash on Hand January 1, 2014 | | 8157.52 |
| (b) Cash on Hand at Beginning of Reporting Period..... | 8157.52 | |
| (c) Total Receipts (from Line 19)..... | 35130.00 | 35130.00 |
| (d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)..... | 43287.52 | 43287.52 |
| 7. Total Disbursements (from Line 31)..... | 30088.79 | 30088.79 |
| 8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))..... | 13198.73 | 13198.73 |
| 9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)..... | 0.00 | |
| 10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)..... | 0.00 | |

This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE

Report Covering the Period: From: 01 01 2014 To: 03 31 2014

| I. Receipts | COLUMN A Total This Period | COLUMN B Calendar Year-to-Date |
|---|-------------------------------|-----------------------------------|
| 11. Contributions (other than loans) From: | | |
| (a) Individuals/Persons Other Than Political Committees | | |
| (i) Itemized (use Schedule A)..... | 9980.00 | 9980.00 |
| (ii) Unitemized..... | 0.00 | 0.00 |
| (iii) TOTAL (add Lines 11(a)(i) and (ii))..... ► | 9980.00 | 9980.00 |
| (b) Political Party Committees..... | 0.00 | 0.00 |
| (c) Other Political Committees (such as PACs)..... | 0.00 | 0.00 |
| (d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5)..... ► | 9980.00 | 9980.00 |
| 12. Transfers From Affiliated/Other Party Committees..... | 25150.00 | 25150.00 |
| 13. All Loans Received..... | 0.00 | 0.00 |
| 14. Loan Repayments Received..... | 0.00 | 0.00 |
| 15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5)..... | 0.00 | 0.00 |
| 16. Refunds of Contributions Made to Federal Candidates and Other Political Committees..... | 0.00 | 0.00 |
| 17. Other Federal Receipts (Dividends, Interest, etc.)..... | 0.00 | 0.00 |
| 18. Transfers from Non-Federal and Levin Funds | | |
| (a) Non-Federal Account (from Schedule H3)..... | 0.00 | 0.00 |
| (b) Levin Funds (from Schedule H5)..... | 0.00 | 0.00 |
| (c) Total Transfers (add 18(a) and 18(b)).. | 0.00 | 0.00 |
| 19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))..... ► | 35130.00 | 35130.00 |
| 20. Total Federal Receipts (subtract Line 18(c) from Line 19)..... ► | 35130.00 | 35130.00 |

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

| II. Disbursements | COLUMN A Total This Period | COLUMN B Calendar Year-to-Date |
|--|-------------------------------|-----------------------------------|
| 21. Operating Expenditures: | | |
| (a) Allocated Federal/Non-Federal Activity (from Schedule H4) | | |
| (i) Federal Share | 5374.59 | 5374.59 |
| (ii) Non-Federal Share..... | 14734.20 | 14734.20 |
| (b) Other Federal Operating Expenditures | 9980.00 | 9980.00 |
| (c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b)) | 30088.79 | 30088.79 |
| 22. Transfers to Affiliated/Other Party Committees..... | 0.00 | 0.00 |
| 23. Contributions to Federal Candidates/Committees and Other Political Committees..... | 0.00 | 0.00 |
| 24. Independent Expenditures (use Schedule E)..... | 0.00 | 0.00 |
| 25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F)..... | 0.00 | 0.00 |
| 26. Loan Repayments Made..... | 0.00 | 0.00 |
| 27. Loans Made..... | 0.00 | 0.00 |
| 28. Refunds of Contributions To: | | |
| (a) Individuals/Persons Other Than Political Committees | 0.00 | 0.00 |
| (b) Political Party Committees | 0.00 | 0.00 |
| (c) Other Political Committees (such as PACs)..... | 0.00 | 0.00 |
| (d) Total Contribution Refunds (add Lines 28(a), (b), and (c))..... | 0.00 | 0.00 |
| 29. Other Disbursements | 0.00 | 0.00 |
| 30. Federal Election Activity (2 U.S.C. §431(20)) | | |
| (a) Allocated Federal Election Activity (from Schedule H6) | | |
| (i) Federal Share | 0.00 | 0.00 |
| (ii) "Levin" Share..... | 0.00 | 0.00 |
| (b) Federal Election Activity Paid Entirely With Federal Funds | 0.00 | 0.00 |
| (c) Total Federal Election Activity (add .. Lines 30(a)(i), 30(a)(ii) and 30(b))..... | 0.00 | 0.00 |
| 31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) .. | 30088.79 | 30088.79 |
| 32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)..... | 15354.59 | 15354.59 |

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 5

| III. Net Contributions/Operating Expenditures | COLUMN A Total This Period | COLUMN B Calendar Year-to-Date |
|--|-------------------------------|-----------------------------------|
| 33. Total Contributions (other than loans) (from Line 11(d), page 3) | 9980.00 | 9980.00 |
| 34. Total Contribution Refunds (from Line 28(d)) | 0.00 | 0.00 |
| 35. Net Contributions (other than loans) (subtract Line 34 from Line 33) | 9980.00 | 9980.00 |
| 36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b)) ► | 15354.59 | 15354.59 |
| 37. Offsets to Operating Expenditures (from Line 15, page 3)..... | 0.00 | 0.00 |
| 38. Net Operating Expenditures (subtract Line 37 from Line 36) ► | 15354.59 | 15354.59 |



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 SEP 26 AM 11:20

September 25, 2014

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2803 – Rhode Island Republican
State Central Committee and Michael W. Grossi, in his official capacity as
Treasurer (C00078196)

On June 17, 2014, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for failing to timely file the 2014 April Quarterly Report and made a preliminary determination that the civil money penalty was \$1,532 based on the schedule of penalties at 11 C.F.R. § 111.43.

On July 28, 2014, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated September 10, 2014 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. Given the Committee may have been able to timely file the report if the Commission sent courtesy emails in accordance with its normal course of business, the Reviewing Officer recommended that the Commission take no further action and close the file.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

OAR Recommendations

- (1) Take no further action in AF# 2803 that Rhode Island Republican State Central Committee and Michael W. Grossi, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and close the file; and
- (2) Send the appropriate letter.

Reviewing Officer: Rhiannon Magruder

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Treasurer Change in AF# 2803 – Rhode) AF 2803
Island Republican State Central)
Committee)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 05, 2014, the Commission decided by a vote of 6-0 to direct the Commission Secretary to prepare a certification in AF# 2803 that includes the revised finding as set forth below:

1. Take no further action in AF# 2803 that Rhode Island Republican State Central Committee and James Jacquette, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and close the file; and

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 8, 2014
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation -) AF 2803
Rhode Island Republican State Central)
Committee and James Jacquette, in his)
official capacity as Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 02, 2014, the Commission decided by a vote of 6-0 to take the following actions in AF 2803:

1. Take no further action in AF# 2803 that Rhode Island Republican State Central Committee and James Jacquette, in his official capacity as Treasurer, violated 52 U.S.C. §30104(a) (formerly 2 U.S.C. § 434(a)) and close the file; and
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 8, 2014
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 9, 2014

Matthew L. Fabisch
Fabisch Law, L.L.C.
P.O. Box 17213
Esmond, RI 02917

Rhode Island Republican State Central Committee
C00078196
AF#: 2803

Dear Mr. Fabisch:

On June 17, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Rhode Island Republican State Central Committee and James Jacquette, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a))¹ for failing to file the 2014 April Quarterly Report. By letter dated June 18, 2014, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$1,532 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On July 28, 2014, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission take no further action because the Committee may have been able to timely file the report if the Commission sent courtesy emails in accordance with its normal course of business. A copy of the Reviewing Officer Recommendation was sent to you on September 10, 2014.

On December 2, 2014, the Commission adopted the Reviewing Officer's recommendation to take no further action with respect to 2 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and close the file. A copy of the final determination recommendation and a supplemental recommendation approved on December 5, 2014 are attached.

The confidentiality provisions at 2 U.S.C. § 30109(a)(12) (formerly 2 U.S.C. § 437g(a)(12)) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended ("the Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

U.S. DEPARTMENT OF JUSTICE

Lee E. Gosh

Attachment

